

REMARKS

1. Summary of Record of Interview

Applicant and his undersigned attorney appreciate the courtesy of the telephonic interview conducted on 08 April 2005 with Examiners Belix Ortiz and Samuel Rimell, and the helpful comments. Applicant agrees that the *Interview Summary* mailed on April 20, 2005 is a complete and proper recordation of the substance of the interview.

2. Introduction

Applicant has amended claims 1, 5, 8-9 and 19. Claims 1-30 are presently pending in this application. Reexamination and reconsideration is hereby respectfully requested.

3. Claim Rejection Under 35 U.S.C. § 102

Claims 1, 4, 8-10, 19-21, 23, 28 and 30 stand rejected under 35 USC 102(e) as being anticipated by *Wheeler et al.* (US Pub. No. 2002/0055932), hereinafter "*Wheeler*." Applicant respectfully traverses this rejection.

Applicant has amended claim 1 to clarify that the selection of databases is conducted based on the contents of the databases as represented in the index data and not based on the structure of the databases as in *Wheeler*. Applicant has again carefully reviewed *Wheeler* and respectfully submits that *Wheeler* does not teach or suggest selecting databases based on the foregoing criteria. As shown below, *Wheeler* at most teach a method of generating mapping indices as to structure and format of databases, not contents, for use in facilitating a subsequent search of a target database.

It is important to note that in *Wheeler* this mapping process is done *irrespective of the content of the databases*. Claim 1 specifically requires consideration of the contents of the databases as represented in the index tables. Accordingly, *Wheeler* cannot meet the limitation in Claim 1 that recites "selecting at least one of the plurality of databases by scanning index tables and determining which ones, using the index data that is configured to identify the contents of the original data stored in the databases, contain original data responsive to a user query"

Wheeler teaches an overall process that first involves producing mapping indices by relating the structure of one database to another (not the contents, as claimed):

[0046] The first step in the tree transformation process is to determine if there is any user defined mapping from *one tree structure* to another 315. ... (emphasis added).

[0047] The second step in the tree transformation process is to evoke an automated tree transformation method 320 The tree transformation method 320 works in a recursive manner, drilling down the hierarchical *structure* attempting to match up *each position in both trees* by a number of different comparison methods. (emphasis added).

[0049] ... With the hierarchical entity to hierarchical entity transformation process complete, the *resulting structure* (emphasis added).

Wheeler further teaches that when a search is to be performed, the search query is first run through the mapping indices mentioned above, again without reference to any content contained in any of the actual databases. At this point, no databases are selected based on content, but rather only information regarding the degree to which databases “match up” (i.e., a comparison score):

[0050] The result of the search process is a set of hierarchical objects contained in the indices that have an aggregate comparison score determined using search measures, and weighting methods when aggregating scores 340. ... The collection of information output from a search is designated as a result set.

[0051] The result set can contain, but is not limited to, a series of hierarchical *object references*, and the corresponding *comparison score* for each reference. (emphasis added).

[0054] Depending on the Query Request 402, data may or may not be appended to the result set using the Form Storage Service Component (FSS) 430. . . . When the result set is forwarded to the FSS 430 along with the query criteria, data can then be extracted from the specified databases 435, 440 and appended into the result set document.

Wheeler elsewhere describes the data extraction step mentioned above in paragraph [0054]:

[0039] . . . Result sets can be forwarded to the Data Management Component 125 for data retrieval from a plurality of data sources 130, 135. Depending on the query request, data extraction levels may include, but are not limited to full data entity extraction, summary data entity extraction, or partial data entity extraction.

Applicant respectfully submits that *Wheeler* makes no disclosure of selecting databases from a plurality of databases, all based on the contents of the databases which is represented in the index data. The “mapping indices” in *Wheeler* refer to the structure of the databases and NOT its content. When data extraction occurs in *Wheeler* (i.e., the accessing of the databases), there does not appear to be any selection, and while presumably *Wheeler* makes some use of the “comparison score” (i.e., indicative of the degree of similarity) or else why would it be generated, *Wheeler* does not disclose how it could be used in data extraction. In any event, even assuming for purposes of argument only that it were used to select databases (which for the record there is no disclosure of this in *Wheeler*), such selection would not be based on the content of original data contained in the databases, as claimed, but rather on the structure of the disparate databases, on which the comparison score is created.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1.

Additionally, claim 1 has been amended to more clearly recite that the original data relates “to at least one of a system, an application program and a user associated with said respective computer.” *Wheeler* does not teach or suggest this limitation, as pointed out in Applicant’s prior response.

Claim 4 depends from claim 1 and therefore contains all the limitations thereof. Thus, for at least the same reasons set forth above in connection with claim 1, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 4.

Claim 8 has been amended to include the limitations “said computers arranged in a logical tree style hierarchy” and “said index data including fields corresponding to a level in said

hierarchy...". *Wheeler* does not teach or suggest this limitation. Reconsideration and withdrawal of the rejection is hereby respectfully requested.

Claims 9-10 depend from claim 8 (either directly or indirectly) and therefore contain all the limitations thereof. Thus, for at least the same reasons set forth above in connection with claim 8, Applicant respectfully request reconsideration of withdrawal of the rejection of the claims 9-10.

Claim 19 has been amended to recite "said original data corresponding to at least one of operational and configuration characteristics of hardware, software and users of said computers." *Wheeler* does not teach or suggest this limitation. Reconsideration and withdrawal of the rejection is hereby respectfully requested.

Claims 20-21, 23, 28 and 30 depend from claim 19, either directly or indirectly, and therefore contain of the limitations thereof. Thus, for at least the same reasons set forth above in connection with claim 19, Applicant respectfully requests reconsideration and withdrawal of the rejection of these. Claims.

For at least the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 4, 8-10, 19-21, 23, 28 and 30.

4. Claim Rejection Under 35 U.S.C. § 103

Claim 22 stands rejected under 35 USC 103(a) as being unpatentable over *Wheeler* in view of *Hobbs* (US Patent No. 5,987,454). Applicant respectfully overcomes this rejection.

Claim 22 depends indirectly from claim 19 (as amended) and thus includes all the limitations thereof. Thus, there are certain limitations that are not satisfied by *Wheeler*, as set forth above in connection with claim 19. Accordingly, even were it proper to combine *Wheeler* and *Hobbs*, not all of the limitations of claim 22 would be satisfied.

Accordingly, for at least these additional reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 22.

5. Claim Rejection Under 35 U.S.C. § 103

Claims 24-26 stand rejected under 35 USC 103(a) as being unpatentable over *Wheeler* in view of *Perkins, III* (US Pat. 6,396,913). Applicant respectfully overcomes this rejection.

Claims 24-26 depend from, either directly or indirectly, claim 19 (as amended) and thus include all the limitations thereof. Thus, there are certain limitations that are not satisfied by *Wheeler*, as set forth above, in connection with claim 19. Accordingly, even were it proper to combine *Wheeler* and *Perkins, III* (which it is not as set forth more specifically below), not all of the limitations of claims 24-26 would be satisfied.

As to the propriety of the combination itself, the Office has stated that it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified *Wheeler* by the teaching of *Perkins, III* because such a combination “would enable the apparatus to know which records apply to them and it is updated to indicated that new file is ready for processing.” As shown above, *Wheeler* is not concerned at all with content of databases but rather their structure, and in particular not the content relating to the computers themselves and directed to the application programs that are executing on computers in the hierarchy. Accordingly, there would be no incentive or motivation, from the point of view of one of ordinary skill in the art, to modify *Wheeler*, which does not deal with the content of databases, with *Perkins, III*, which does deal with application processing. For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 24-26.

6. Allowable Subject Matter

Applicant appreciates the indication that claims 2-3, 11-18, 27 and 29 have been allowed, and that claims 5-7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has done this with respect to claim 5, and Applicant now believes that claim 5 is now in condition for allowance. Claims 6-7 are also now believed to be in a condition for allowance by virtue of their dependency on rewritten claim 5.

Serial No. 10/047,866
Amendment dated 05/12/2005
Reply to Office Action of 01/04/2005

7. **Conclusion**

For the foregoing reasons, all presently pending claims are now believed to be in a condition for allowance. Early notice of the same is hereby respectfully requested.

Respectfully submitted,

By: 

Date: May 12, 2005

John W. Rees, Reg. No. 38,278
Dykema Gossett PLLC
Customer No. 26127
39577 Woodward Avenue, Suite 300
Bloomfield Hills, MI 48304
(248) 203-0832
ipmail@dykema.com

BH01\524937.1
IDJWR